

SENATE BILL 560

R7

(0lr2710)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Forehand, King, ~~and Madalene~~ Madaleno, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Traffic Citations – Option to Request Trial**

3 FOR the purpose of requiring that a certain traffic citation issued to a person contain
4 a notice that, if the citation is a payable violation, the person must comply
5 within a certain time period with one of a certain list of options, including the
6 option to request, ~~within a certain time period,~~ a trial date at the date, time,
7 and place established by the District Court by writ or trial notice; requiring the
8 notice to include a certain statement of the possible consequences if the person
9 fails to comply within a certain time period; authorizing the District Court or
10 circuit court to issue a warrant or provide a certain notice to the Motor Vehicle
11 Administration if a person fails to comply with certain notices; providing that a
12 warrant may not be issued for a certain noncompliance until after the
13 expiration of certain time periods; *establishing requirements for certain copies of*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 a citation form; making conforming changes; declaring the intent of the General
 2 Assembly; providing for the effective dates of this Act; and generally relating to
 3 traffic citations.

4 BY repealing and reenacting, with amendments,
 5 Article – Transportation
 6 Section 26–201(c), (d), and (e) and 26–204
 7 Annotated Code of Maryland
 8 (2009 Replacement Volume and 2009 Supplement)

9 BY adding to
 10 Article – Transportation
 11 Section 26–201(d)
 12 Annotated Code of Maryland
 13 (2009 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Transportation**

17 26–201.

18 (c) A traffic citation issued to a person under this section shall contain:

19 (1) [A notice to appear in court, including a notice that, if the offense
 20 is not punishable by incarceration, the person may request a hearing regarding
 21 sentencing and disposition in lieu of a trial as provided in § 26–204(b)(2) of this
 22 subtitle] **A NOTICE IN AT LEAST 14 POINT BOLDFACE TYPE THAT, IF THE**
 23 **CITATION IS A PAYABLE VIOLATION, THE:**

24 **(I) THE PERSON MUST COMPLY WITH ONE OF THE**
 25 **FOLLOWING WITHIN 30 DAYS AFTER RECEIPT OF THE CITATION:**

26 ~~(I)~~ **1. PAY THE FULL AMOUNT OF THE PRESET FINE;**

27 ~~(II)~~ **2. REQUEST A HEARING REGARDING SENTENCING**
 28 **AND DISPOSITION IN LIEU OF A TRIAL AS PROVIDED IN § 26–204(B)(2) OF THIS**
 29 **SUBTITLE; OR**

30 ~~(III)~~ **3. REQUEST, WITHIN 15 DAYS OF RECEIPT OF THE**
 31 **CITATION, A TRIAL DATE AT THE DATE, TIME, AND PLACE ESTABLISHED BY THE**
 32 **DISTRICT COURT BY WRIT OR TRIAL NOTICE; AND**

33 **(II) 1. IF THE PERSON FAILS TO COMPLY WITHIN 30**
 34 **DAYS AFTER RECEIPT OF THE CITATION, THE ADMINISTRATION WILL BE**

1 NOTIFIED AND MAY TAKE ACTION TO SUSPEND THE PERSON'S DRIVER'S
 2 LICENSE; AND

3 2. DRIVING ON A SUSPENDED LICENSE IS A
 4 CRIMINAL OFFENSE FOR WHICH THE PERSON COULD BE INCARCERATED; OR

5 (2) [A] IF THE CITATION IS FOR A MUST-APPEAR VIOLATION, A
 6 notice that:

7 (i) The citation is a summons to appear as notified by a circuit
 8 court or the District Court through a trial notice setting the date, time, and place for
 9 the person to appear; or

10 (ii) A circuit court or the District Court will issue a writ setting
 11 the date, time, and place for the person to appear;

12 (3) The name and address of the person;

13 (4) The number of the person's license to drive, if applicable;

14 (5) The State registration number of the vehicle, if applicable;

15 (6) The violation or violations charged;

16 (7) An acknowledgment of receipt of the citation, to be executed by the
 17 person as required under § 1-605 of the Courts Article;

18 (8) Near the acknowledgment, a clear and conspicuous statement that:

19 (i) Acknowledgment of the citation by the person does not
 20 constitute an admission of guilt; and

21 (ii) The failure to acknowledge receipt of the citation may
 22 subject the person to arrest; and

23 (9) Any other necessary information.

24 (D) IF A CITATION IS MARKED "YOU HAVE THE RIGHT TO STAND TRIAL":

25 (1) THE FORM OF THE DEFENDANT'S COPY OF THE CITATION
 26 SHALL INCLUDE IN BOLDFACE TYPE A DESCRIPTION OF THE FOLLOWING
 27 OPTIONS:

28 (I) PAYMENT OF THE FINE;

29 (II) REQUEST A TRIAL; AND

1 (III) REQUEST A “GUILTY WITH AN EXPLANATION” HEARING
 2 REGARDING SENTENCING AND DISPOSITION IN LIEU OF A TRIAL; AND

3 (2) THE FORM OF THE “RETURN TO COURT” COPY OF THE
 4 CITATION SHALL INCLUDE IN BOLDFACE TYPE A CHECK-OFF BOX FOR EACH OF
 5 THE OPTIONS DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

6 [(d)] (E) A police officer who discovers a vehicle stopped, standing, or parked
 7 in violation of § 21-1003 or § 21-1010 of this article shall:

8 (1) Deliver a copy of a citation to the driver or, if the vehicle is
 9 unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

10 (2) Keep a written or electronic copy of the citation, bearing the police
 11 officer’s certification under penalty of perjury that the facts stated in the citation are
 12 true.

13 [(e)] (F) (1) A police officer who discovers a motor vehicle parked in
 14 violation of § 13-402 of this article shall:

15 (i) Deliver a copy of a citation to the driver or, if the motor
 16 vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous
 17 place; and

18 (ii) Keep a written or electronic copy of the citation, bearing the
 19 law enforcement officer’s certification under penalty of perjury that the facts stated in
 20 the citation are true.

21 (2) In the absence of the driver, the owner of the motor vehicle is
 22 presumed to be the person receiving the copy of a citation or warning.

23 26-204.

24 (a) (1) A person shall comply with the notice to appear contained in a writ
 25 or a trial notice issued by either the District Court or a circuit court in an action on a
 26 traffic citation.

27 (2) Unless the person charged demands an earlier hearing, a time
 28 specified to appear shall be at least 5 days after the alleged violation.

29 (b) (1) For purposes of this section, the person may comply with the notice
 30 to appear by:

31 (i) Appearance in person;

1 (ii) Appearance by counsel; or

2 (iii) Payment of the fine for a particular offense, if provided for in
3 the citation for that offense.

4 (2) (i) Subject to the provisions of subparagraph (iii) of this
5 paragraph, a person who intends to comply with the notice to appear contained in a
6 traffic citation by appearance in person or by counsel may return a copy of the citation
7 to the District Court within the time allowed for payment of the fine indicating in the
8 appropriate space on the citation that the person:

9 1. Does not dispute the truth of the facts as alleged in
10 the citation; and

11 2. Requests, in lieu of a trial, a hearing before the Court
12 regarding sentencing and disposition.

13 (ii) A person who requests a hearing under the provisions of
14 subparagraph (i) of this paragraph waives:

15 1. Any right to a trial of the facts as alleged in the
16 citation; and

17 2. Any right to compel the appearance of the police
18 officer who issued the citation.

19 (iii) A person may request a hearing under the provisions of
20 subparagraph (i) of this paragraph only if the traffic citation is for an offense that is
21 not punishable by incarceration.

22 (c) If a person fails to comply with [the] A NOTICE UNDER § 26-201(C)(1)
23 OF THIS SUBTITLE, A NOTICE FOR A HEARING DATE ISSUED IN ACCORDANCE
24 WITH A REQUEST MADE UNDER § 26-201(C)(1)(I)2 OF THIS SUBTITLE, A WRIT
25 OR TRIAL NOTICE ISSUED IN ACCORDANCE WITH A REQUEST MADE UNDER §
26 26-201(C)(1)(I)3 OF THIS SUBTITLE, OR A notice to appear UNDER § 26-201(C)(2)
27 OF THIS SUBTITLE, the District Court or a circuit court may:

28 (1) Except as provided in subsection (f) of this section, issue a warrant
29 for the person's arrest; or

30 (2) After 5 days, notify the Administration of the person's
31 noncompliance.

32 (d) On receipt of a notice of noncompliance from the District Court or a
33 circuit court, the Administration shall notify the person that the person's driving

1 privileges shall be suspended unless, by the end of the 15th day after the date on
 2 which the notice is mailed, the person:

3 (1) Pays the fine on the original charge as provided for in the original
 4 citations; or

5 (2) Posts bond or a penalty deposit and requests a new date for a trial
 6 or a hearing on sentencing and disposition.

7 (e) If a person fails to pay the fine or post the bond or penalty deposit under
 8 subsection (d) of this section, the Administration may suspend the driving privileges of
 9 the person.

10 (f) When the offense is not punishable by incarceration, if the court notifies
 11 the Administration of the person's noncompliance under subsection (c) of this section,
 12 a warrant may not be issued for the person under this section until 20 days after [the
 13 original trial date]:

14 **(1) THE EXPIRATION OF THE TIME PERIOD REQUIRED TO COMPLY**
 15 **WITH § 26-201(C)(1)(I) OF THIS SUBTITLE, IF THE PERSON HAS NOT REQUESTED**
 16 **A HEARING REGARDING SENTENCING AND DISPOSITION OR A TRIAL DATE; OR**

17 **(2) THE ORIGINAL TRIAL DATE IF A TRIAL HAS BEEN SCHEDULED**
 18 **IN RESPONSE TO A REQUEST UNDER § 26-201(C)(1)(I)3 OF THIS SUBTITLE.**

19 (g) With the cooperation of the District Court and circuit courts, the
 20 Administration shall develop procedures to carry out those provisions of this section
 21 that relate to the suspension of driving privileges.

22 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 23 ~~October 1, 2010.~~

24 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
 25 General Assembly that funding of up to \$250,000 be provided to the Judicial Branch in
 26 fiscal 2011 by the Governor's Office of Crime Control and Prevention to the
 27 Administrative Office of the Courts for computer programming changes to the case
 28 management system and written and electronic citations.

29 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act
 30 shall take effect January 1, 2011.

31 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of
 32 this Act, this Act shall take effect July 1, 2010.